

The Salisbury Planning Board held its regular meeting on Tuesday, August 10, 2004, in the City Council Chamber of the Salisbury City Hall at 4:00 p.m. with the following being present and absent:

PRESENT: Len Clark, Mitzi Clement, Dr. James Johnson, Lou Manning, Brian Miller, Rodney Queen, Jeff Smith, Valerie Stewart, Rev. Jerry Wilkes, and Diane Young

ABSENT: Sandy Reitz and Albert Stout

STAFF: Janet Gapen, Dan Mikkelson, Diana Moghrabi, Joe Morris, David Phillips, and Patrick Ritchie

The meeting was called to order by Rodney Queen, Co-Chairman. The minutes of the July 27 meeting were approved as published. Reverend Jerry Wilkes offered the invocation.

ZONING MAP AMENDMENTS

- (a) **Co-Chairman Queen** convened a Courtesy Hearing on Z-11-04. Mr. Queen declared that he had a conflict of interest; a motion was made to remove him from the Planning Board for this Courtesy Hearing. **Co-Chairman, Jeff Smith** continued with the Courtesy Hearing.

Z-11-04 Rodney Queen – 3100 Block W. Innes Street

LOCATION: W. Innes Street approximately 250 ft. north of Wagoner Rd

Size: 29.22 acres

From: R-8 Single-Family Residential

To: R-6A Multi-Family Residential

Parcel: Franklin Twp. tax map 325, parcel 42

Janet Gapen, Planner II, made a staff presentation explaining this case. This rezoning would allow two-family and multi-family housing with 11 units per acre.

Those speaking in favor of the zoning change request:

Rodney Queen, 101 Polo Drive, is the developer. He stated that he had “many requests for patio homes and for condos with garages.” He wants to build 195 condominiums with ample open space and a recreational area. He would be willing to put a special use restriction on this property. The property is in the City’s Extraterritorial Jurisdiction (ETJ), on a major thoroughfare, has a great deal of road frontage, and lends itself well to this proposal.

Clay Lindsay, 401 Richmond Road, owns property across the street. There has been very little development in this area in the past 15-20 years, with the exception of several single-family homes. He would not like to see apartments in this area, but does think the special use restrictions being offered are favorable.

Those speaking in opposition to the zoning change request: None

The chairman closed the Courtesy Hearing on this case.

(b) Board Discussion:

Lou Manning would be in favor of this development with the special use restriction that includes a maximum of 195 condominiums with garages. This would be a better fit than apartments, which he would not be in favor of. **Brian Miller** asked about the location of open space Mr. Queen mentioned and hoped there would be a sufficient buffer on the North Hills Christian School side of the property. Mr. Queen did not have specifics at this time but predicted open space would be located at both ends. **Diane Young** asked if North Hills Christian School had made any contact. Rodney Queen sits on the Board of Directors for the school and was certain they had been notified. **Jeff Smith** agreed with Mr. Lindsay and Mr. Queen that this is the right place for this type of development. Mr. Smith is in support of the restrictions that Mr. Queen is willing to put on this property. David Phillips read the definition of condominium in the City's Ordinance for clarification.

Jerry Wilkes made a motion to rezone the property to R-6AS, restricting it to a condominium development, 25% of the area will be open space and a maximum of 195 units. **Lou Manning** seconded the motion with all members voting AYE.

A motion was made to bring Rodney Queen back to the Planning Board.

GROUP DEVELOPMENT SITE PLAN

G-02-00 Lone Hickory Village

David Phillips, Zoning Administrator, made a staff presentation of the property located in the 300 block of Morlan Park Road. This was originally approved in 2000 but the permit expired before the project could begin. Since that time the City made changes that affected the RD zoning district; this property is zoned RDBS. Changes had been requested by staff, including the requirement of vertical curb and gutters. Sidewalks will be included on both sides of the street. The cul-de-sac was enlarged to include a planted median and a larger radius. Staff is recommending approval as submitted with the revisions.

Public comment:

Neal Hart, 798 Clifton Lane, Sanford, NC owns property adjacent and asked about the size of the improvements. Mr. Queen explained that size and value are not items determined by the Planning Board. Items of interest to the Planning Board include setbacks and zoning criteria. In this case these items have been met.

Clyde Miller, 915 Rowan Circle, voiced concerns about traffic as well as water runoff that has caused previous flooding problems for him. Mr. Miller fears that water runoff can become a problem again at his expense. He also had concerns about the improvements being compatible with what is currently adjacent to the property. Mr. Phillips assured him that the zoning was compatible. **Dan Mikkelson** addressed the fact that in the State of North Carolina every property owner has a right to develop their property and the runoff from that is expected to go downhill. Each property along the drainage route is obligated to accept that additional runoff. Runoff is not addressed in any other fashion in the City of Salisbury.

Robert Boone, 1031 Rowan Circle, made the Board aware of the wide variety of wildlife that will be affected by this development. He hoped that the houses would not be too close together. The neighbors would like more information about the development.

Board Discussion

Jeff Smith made a motion to approve G-02-00 and Jerry Wilkes seconded the motion with all members voting AYE.

G-14-04 College Park Apartments, 1710 Old Wilkesboro Road

David Phillips made a staff presentation. An HD overlay had recently been approved by the Planning Board, allowing more than the proposed 36 units. These will be three-story brick buildings with a clubhouse, landscaping, two dumpsters with appropriate screening, additional parking, a paved access to the existing greenway trail, sidewalk along Old Wilkesboro Road and bicycle racks. Staff is recommending approval as revised.

Public Comment:

David Eller, 2955 Oddie Road works for the construction company building this development. Kelsey Scott Park and this complex will compliment one another. They are not targeting any particular school – just off-campus housing for students.

Dee Dee Wright, 418 S. Caldwell Street, asked about the screening material around the dumpsters. Mr. Phillips assured her that the material will be compatible to the building. She also asked about the proximity of the cemetery. Mr. Phillips showed the aerial photo and pointed out the location of the buffer along the property line.

Board Discussion

Len Clark noticed that a lighting plan had not been submitted. There was some discussion about requirements and the builder's intention.

Brian Miller asked Dan Mikkelson to point out the greenway trail on the aerial map. It will run from Kelsey Scott Park to the YMCA.

Brian Miller made a motion to approve as submitted. The motion was seconded by **Lou Manning**, with all members voting AYE.

G-14-02 Food Lion Store Support Center

David Phillips made a staff presentation on the Food Lion corporate headquarters on Executive Drive. Food Lion has petitioned to City Council that a portion of Executive Drive be withdrawn from dedication. As a result properties will combine to become one large tract. This is the first phase of several phases. The parking facility will be entirely redesigned to make it more pedestrian friendly. The perimeter of the property will be left undisturbed. The new structure will be brick and glass to mimic the structure already in place. Staff is recommending approval as revised.

Public Comment: None

Board Discussion

Jeff Smith made a motion to approve as submitted. The motion was seconded by **Brian Miller**, with all members voting AYE.

G-07-02 Drummond Village, Stokes Ferry and Earnhardt Roads

David Phillips made a staff presentation and reminded the Board that this case had been before the Board for re-approval a month or two ago. Due to the lay of the land the phase lines conflicted with the utility construction plan; therefore they are requesting a change in the phase lines. Phase one will now be two different phases and what was phase two will now be phase three. Staff is recommending approval as submitted.

Public Comment:

Hurley Hemphill, 2704 Stokes Ferry Road, wanted information about the development. Neighbors wonder how traffic will be handled, water runoff, etc. Mr. Queen reminded him that notices had been mailed for the previous approval and the only item for discussion today was the phase lines.

Diane Brendale, 425 Earnhardt Road, asked for a map and a complete packet was offered.

Board Discussion

Brian Miller made a motion to approve as submitted. The motion was seconded by **Lou Manning**, with all members voting AYE.

COMMITTEE REPORTS

- (a) Downtown Committee - Auction Houses as a permitted use in the B-5 district-cumulatively to the M-2 district and to add the use to B-7 with the following condition in all categories: All auctioning of goods shall take place inside an enclosed building.

Board Discussion

Jeff Smith pointed out that this is a use that has never been specifically mentioned in the Ordinance before but the proposed amendment is in response to a request. The Board did not feel limiting the hours was necessary. Brian made a recommendation as stated that was seconded and all members voting AYE.

The committee also updated the Ordinance language from the term “figure salons” to “fitness centers, health clubs, day spas, athletic clubs and similar types of establishments” as a conditional use in the BC-S zoning district, and as a permitted use in B-2 – cumulatively through M-2, and to add the use to B-7. This would effectively remove the use of the term “figure salon.” **Lou Manning** made a motion to accept this recommendation with all members voting AYE.

COUNCIL ACTIONS PERTAINING TO PLANNING BOARD

SUP-03-04 was approved with three additional conditions; 1) all fuel storage tanks will be stored underground, 2) there will be no overnight storage of vehicles on the lot, and 3) a 90-day time limit once the construction on the tanks began until the time they would sell gasoline.

Z-10-04 was approved

Z-9S-04 will go to City Council on August 17.

FUTURE COMMITTEE MEETINGS

Clarifications to sign ordinance – Legislative Committee A (B. Miller, ch.) August 11, at 8:00 in the Council Chamber.

Comprehensive sidewalk study – Committee 2 (B. Miller, ch.) – Monday, August 16, 1:30 p.m. in the First Floor Conference Room at City Hall.

Downtown Committee (B. Miller, ch.) will meet Friday, August 13 at 8:00 a.m. in the First Floor Conference Room at City Hall. This meeting will be in regard to the next phase of Downtown rezoning.

All other committee meetings will be announced at a later date.

OTHER BUSINESS

The Zoning Board of Adjustment did not have a quorum Monday night. There is a request for the Planning Board to address accessory dwelling units. Staff has offered to prepare an Ordinance change or the Board could send this to committee. It was agreed that staff would prepare the language for an Ordinance change for the next Planning Board meeting.

Len Clark would like to see a future program and discussion about water run-off. Mr. Mikkelson will prepare an educational session for a future Board meeting.

There being no further business to come before the Board, the meeting was adjourned.

Co-Chairman, Rodney Queen

Co-Chairman, Jeff Smith

Secretary, Diana Moghrabi